

NOT FOR PUBLICATION

**CLOSED**

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

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JOHN BIRD	:	
	:	
Plaintiff,	:	<b>Hon. Dennis M. Cavanaugh</b>
	:	
v.	:	<b>ORDER</b>
	:	
MOORE STEPHENS, P.C.,	:	Civil Action No. 10-CV-1091(DMC)(JAD)
	:	
Defendants.	:	
	:	

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**DENNIS M. CAVANAUGH, U.S.D.J.:**

This matter comes before the Court upon motion by Moore Stephens, P.C. ("Defendant") to dismiss Plaintiff's Complaint pursuant to Federal Rule of Civil Procedure 12(c).<sup>1</sup> Pursuant to Federal Rule of Civil Procedure 78, no oral argument was heard. Upon careful consideration of the submissions of the parties, and based upon the Court's Opinion filed this day;

IT IS this 29th day of June, 2011;

**ORDERED** that Defendant's motion to dismiss is **granted**.

S/ Dennis M. Cavanaugh  
Dennis M. Cavanaugh, U.S.D.J.

Original: Clerk  
cc: All Counsel of Record  
Hon. Joseph Dickson, U.S.M.J.  
File

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<sup>1</sup> Defendant moved pursuant to Federal Rule of Civil Procedure 12(b)(6). However, since Defendant had already filed an Answer to the Complaint, Judge Dickson ordered that the instant motion be treated as a motion to dismiss pursuant to Federal Rule of Civil Procedure 12(c). Accordingly, this Court evaluated Defendant's motion pursuant to Rule 12(c).